

REMARKS

Claims 1-11 are pending in the present application. Claims 1, 10 and 11 are independent. Applicant has carefully reviewed and considered the Office Action and the reference enclosed therewith. Entry of the above noted amendments is respectfully requested. Claim 1 has been amended as noted above.

Disclosure Objection

The specification has been objected to because of certain minor informalities. These informalities have been corrected as suggested by the Examiner to overcome this objection. Accordingly, the objection should be withdrawn.

35 U.S.C. § 102(e) Rejection

Claims 1-2 and 4-8 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Tanaka (U.S. Patent No. 6,369,446). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Claim 1 as amended requires, *inter alia*, “a second cell plug on the silicide contact through the second insulating interlayer, wherein the second cell plug contacts the second contact hole”. This feature is neither taught nor suggested by Tanaka since Tanaka’s second cell plug 17 contacts the high

melting point metal film 16 instead of the second contact hole as shown in Figure 4C. Therefore, the rejection is overcome and should be withdrawn.

35 U.S.C. § 103 Rejection

Claims 3 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (U.S. Patent No. 6,369,446) in view of Summerfelt et al. (U.S. Patent No. 6,593,638). This rejection, insofar as it pertains to the presently pending claims, is respectively traversed.

As discussed above, Tanaka fails to teach or suggest at least the above-noted feature recited in independent claim 1 from which claims 3 and 9 depend. Furthermore, Summerfelt et al. does not overcome this deficiency of Tanaka since Summerfelt et al. is merely relied on for teaching a material equivalence. Therefore, even if the references combinable, assuming *arguendo*, the combination fails to teach or suggest the invention as set forth in independent claim 1 and its dependent claims (due to their dependency). Accordingly, the rejection is improper and should be withdrawn.

New Claims

Independent claims 10 and 11 also recite features that are neither taught nor suggested by the prior art of record including Tanaka. For example, Tanaka does not disclose that a portion of the second cell plug is formed in the first

contact hole as recited in claim 10 or that the second cell plug is directly on the silicide contact as recited in claim 11. Accordingly, these claims are allowable.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicant respectfully requests the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicits an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit

Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Esther H. Chong #40,953
James T. Eller, Jr., #39,588

P.O. Box 747
Falls Church, VA 22032-0747
(703) 205-8000

JTE/EHC:sld